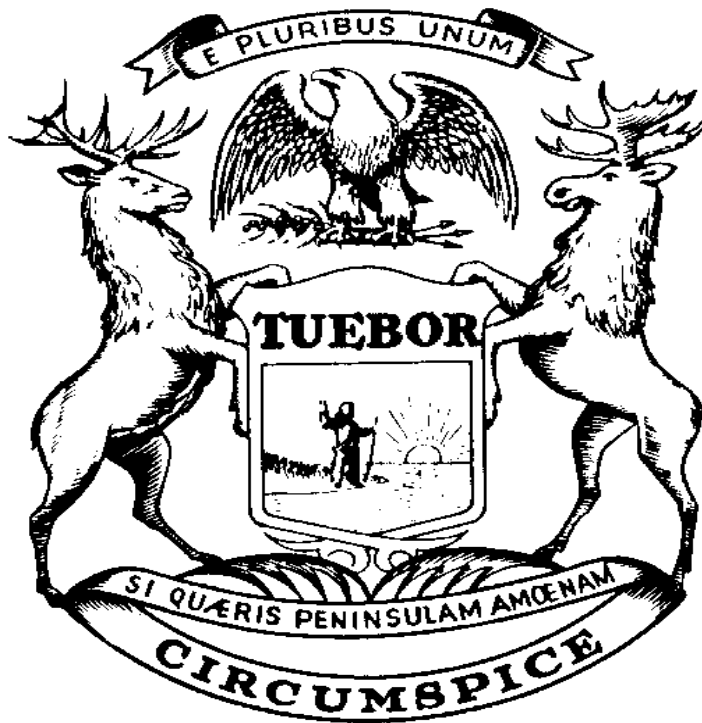


MICHIGAN CAMPAIGN FINANCE BALLOT QUESTION COMMITTEE MANUAL



**Michigan Department of State
Bureau of Elections**

September 2001

CFR 170

QUESTIONS?

If you have questions regarding the disclosure requirements provided under Michigan's Campaign Finance Act, P.A. 388 of 1976, as amended, please contact the

Michigan Department of State
Bureau of Elections
P.O. Box 20126
Lansing, Michigan 48901-0726
Phone: (517) 373-2540

Or visit our office at:
4th Floor Mutual Building
208 North Capitol Avenue
Lansing, Michigan 48933

Candidate Committees registered at the county level may also contact the local county clerk for assistance.

For other Election and Campaign Finance information:

Internet Address: **www.michigan.gov/sos**

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INTRODUCTION

Michigan's Campaign Finance Act, P.A. 388 of 1976, covers a "person" who receives or spends \$500.00 or more in a calendar year to influence voters for or against the nomination or election of one or more candidates in Michigan or the qualification, passage or defeat of one or more ballot questions in Michigan.

The term "person" is used to mean a business, individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, labor organization, company, corporation, association, committee, or any other organization or group of persons acting jointly. As soon as a person reaches the \$500.00 threshold, it has 10 calendar days to form and register a "committee" under the Act. (Certain exceptions apply.) A person that is covered by the Act registers a committee by filing a Statement of Organization form with the appropriate filing official.

A **Ballot Question Committee** is a committee that receives contributions or makes expenditures in support of, or in opposition to, the qualification, passage, or defeat of a ballot question.

- A Ballot Question Committee is permitted to accept contributions from the treasury funds of corporations, joint stock companies, labor organizations, domestic dependent sovereigns (Indian tribes), and from persons holding a casino interest in one of the three Detroit casinos, but may not accept contributions from foreign nationals
- A Ballot Question Committee is prohibited from making expenditures to influence the nomination or election of a candidate and therefore, may not make contributions to, or expenditures on behalf of, or in opposition to, Candidate Committees, Independent Committees, Political Committees or Political Party Committees.
- An individual, other than a candidate, does not constitute a committee.
- A "person" who makes a direct contribution of money or an in-kind contribution of goods or services to a Ballot question Committee does not become a committee for that reason unless the person solicits or receives contributions for the purpose of making an expenditure to that Ballot Question Committee.
- A "person" who makes an independent expenditure in support of, or in opposition to, the qualification, passage or defeat of a ballot question becomes a committee

when the independent expenditures reach \$500.00 for an election. The “person” is then required to file a Statement of Organization as a Ballot Question Committee within 10 calendar days after reaching the \$500.00 threshold.

The following questions and answers are used to illustrate situations in which a “person” would or would not be required to form a Ballot Question Committee.

Question and Answers

Q. Rather than giving money to a Ballot Question Committee (direct contribution), or paying a printing bill for the committee (in-kind contribution), a community organization buys a full-page ad in the newspaper at a cost of \$650 to advocate a “yes” or “no” vote on the issue. Does this organization have to register as a Ballot Question Committee for an upcoming school millage election?

A. The community organization would be required to register a Ballot Question Committee with the county clerk’s office within 10 days after making the expenditure. The registration of a Ballot Question Committee is required because the expenditure was an independent expenditure and the amount was \$500 or more.

Q. I am the CEO of a corporation that will be affected adversely if an upcoming ballot proposal passes. My company wants to run some ads in the local newspaper, put up several billboards and circulate some brochures in opposition to this proposal. We would be using approximately \$95,000 of the company’s money. Does my company have to form and register a Ballot Question Committee if we pay for these ads?

A. Yes, because the expenditures would be independent expenditures and exceed the \$500 registration threshold.

Q. What if my corporation contributed the money to an existing Ballot Question Committee?

A. The corporation would not have to establish and register its own Ballot Question Committee as the expenditure would be a direct contribution to the existing committee and funds involved were not solicited or received for the purpose of making the expenditure to that committee.

Q. The PTA held some bake sales to raise money to support an upcoming millage election. The money from the sales, totaling \$350, was given to the Save Our Schools Ballot Question Committee. Must the PTA form and register a Ballot Question Committee?

A. No, the PTA would not have to form and register as a committee because the amount of the contribution was less than \$500; however, it would have to provide to the recipient committee the names, address, dates and amounts for the contributors who purchased the baked goods.

Q. What if the contribution from the PTA was \$525?

A. The PTA would be required to form and register a Ballot Question Committee because the money given was \$500 or more and was solicited for the purpose of making a contribution to the Save Our Schools Committee.

Q. We are an out-of-state organization and want to send some people to Michigan to work on a statewide ballot proposal. We will be paying their salaries while they work with a Michigan Ballot Question Committee. Do we have to register a Ballot Question Committee?

A. No, because your expenditures would be in-kind contributions to the Ballot Question Committee and not made from money solicited or received for that purpose. However, you would be required to provide to the Michigan Ballot Question Committee, a certified listing of all persons who had contributed the money your organization is using to pay the salaries of the workers sent to Michigan. If the funds came from the organization's treasury funds, no certified listing would be required.

If the out-of-State organization sent out letters to its members and received contributions from them to cover the cost of sending people and/or money to Michigan for this ballot proposal, the out-of-state organization would be required to register as a Ballot Question Committee.

STATEMENT OF ORGANIZATION

As soon as a person receives \$500.00 in contributions or makes independent expenditures totaling \$500.00 in a calendar year to influence voters for or against the qualification, passage or defeat of one or more ballot questions in Michigan, the person has 10 calendar days to form and register a Ballot Question Committee. A person that is covered by the Campaign Finance Act registers a committee by filing a Statement of Organization form with the appropriate filing official. The Statement of Organization is the first Campaign Finance form required to be filed by a Ballot Question Committee.

WHERE TO FILE?

- If the ballot question supported or opposed by the committee will be voted on in one county, the committee files the Statement of Organization with the clerk of that county.
- If the ballot question supported or opposed by the committee will be voted on in more than one county, the committee files the Statement of Organization with the clerk of the county having the greatest number of registered voters eligible to vote on the ballot question.
- If the ballot question will be voted on statewide, the committee files the Statement of Organization with the Michigan Department of State, Bureau of Elections, Post Office Box 20126, Lansing, Michigan 48901-0726. Office location: Mutual Building, 4th Floor, 208 North Capital, Lansing, Michigan 48933. Phone: (517) 373-2540.

The information contained on the Statement of Organization must be kept up-to-date. If a change in the information takes place, the committee treasurer must file an amendment to the form no later than the due date of the first Campaign Statement required of the committee after the change. The treasurer serving at the time of the change must sign the amended Statement of Organization

THE COMMITTEE TREASURER

- The treasurer must be a qualified elector of Michigan if the committee conducts business through an office or facility located in Michigan. The treasurer does not have to be a Michigan resident if the committee does not conduct business through an office or facility located in Michigan. A committee that wishes to have

a treasurer who is not a Michigan resident is required to file an “irrevocable written stipulation” with its Statement of Organization.

- The treasurer assumes legal responsibility for the committee.
- The treasurer is responsible for keeping the committee’s accounts, records, bills and receipts for 5 years and must authorize all contributions received and expenditures made by the committee.
- The treasurer is responsible for the timely filing of Campaign Statements, and for timely payment of all late filing fees assessed against the committee.
- The treasurer is responsible for responding in writing to all Notices of Error or Omission sent to the committee

COMMITTEE RECORDKEEPER

A committee may designate someone in addition to the committee treasurer as the person responsible for the committee’s records and filings. A space for entry of this designation appears on the Statement of Organization form. A person who is so designated is commonly called the committee’s “designated recordkeeper.”

- Any person can serve as a committee’s designated recordkeeper.
- A designated recordkeeper shares legal responsibility for the committee with the committee treasurer.
- A designated recordkeeper may sign the committee’s Campaign Statements in place of the treasurer. A designated recordkeeper does **not** have the authority to sign the committee’s Statement of Organization or any amended Statement of Organization filed by the committee.

THE COMMITTEE DEPOSITORY

The committee’s depository must be a bank, savings and loan association or credit union located in Michigan if the committee conducts business through an office or facility located in Michigan. The committee depository does not have to be located in Michigan if the committee does not conduct business through an office or facility located in Michigan.

Committee funds can be transferred from the official account to an account in any bank, savings and loan association or credit union in Michigan in order to earn interest. All funds placed in a savings account or certificate of deposit must be transferred back into the official account before being spent. Committee funds may not be used to purchase

commodities, shares of stock, bonds, mutual funds or land contracts and may not be placed in money market accounts.

OTHER COMMITTEE TYPES

Candidate Committee

A Candidate Committee is the committee designated in a candidate's filed Statement of Organization as that individual's Candidate Committee. A Candidate Committee is under the direction and control of the candidate. All money received or spent by a Candidate Committee is to be spent to further the nomination or election of that candidate or to pay expenses incidental to holding the elective office if the candidate is an officeholder.

Political Committee

A Political Committee is formed to support one or more candidates and may also support or oppose ballot questions. A Political Committee may not accept contributions from the treasury funds of a corporation, joint stock company, labor organization, domestic dependent sovereign or from a person holding an interest in one of the three casinos located in Detroit.

A Political Committee must observe the same contribution limits as an individual when making contributions to, or expenditures in support of, or in opposition to, the nomination or election of a candidate.

Two or more individuals acting together that receive or spend \$500.00 or more in a calendar year to influence voters must register as a Political Committee or as an Independent Committee (see below). Two or more individuals acting together that receive or spend \$500.00 or more in a calendar year to influence voters for or against the recall of a public official are required to register as a Political Committee.

A Political Committee may not accept contributions from the treasury funds of a corporation, joint stock company, labor organization, domestic dependent sovereign, from a person holding an interest in one of the three casinos located in Detroit or from foreign nationals.

Independent Committee

An Independent Committee is formed to support one or more candidates and may also support or oppose ballot questions. An Independent Committee also may not accept contributions from the treasury funds of a corporation, joint stock company, labor

organization, domestic dependent sovereign, from a person holding an interest in one of the three casinos located in Detroit or from foreign nationals.

An Independent Committee that meets the following three criteria may give a candidate for elective office ten times the amount a Political Committee or an individual is permitted to give the candidate.

1. registers as an Independent Committee at least six months before the election for which it expects to make expenditures at the maximum contribution limits in support of, or in opposition to, a candidate for nomination or election to an elective office;
2. receives contributions from at least 25 persons; and
3. in the same calendar year that the 25 contributions are received, expends funds to support or oppose three candidates for elective office. These three expenditures must not exceed the contribution limits applicable to an individual or a Political Committee. An Independent Committee must adhere to contribution limits applicable to a Political Committee until the committee meets all of the criteria listed above.

Please note: A committee that changes from a Political Committee to an Independent Committee must meet all criteria for an Independent Committee after filing the Amended Statement of Organization to make the change in committee type.

Corporations, labor organizations and Indian tribes that wish to make expenditures in candidate elections in Michigan may make expenditures for the establishment, administration and solicitation of contributions to a separate segregated fund to be used for political purposes. When the separate segregated fund has received or spent a total of \$500.00 in a calendar year to influence voters for or against the nomination or election of a state or local candidate in Michigan, or the qualification, passage or defeat of a ballot question in Michigan, the fund has met the definition of “committee.” The “committee” must then file a Statement of Organization to register as a Political or Independent Committee within 10 calendar days after reaching the \$500.00 threshold.

Note: Political Committees and Independent Committees are commonly called “PACs”. A Political Party Committee is NOT a PAC.

Caucus Committee

A “house political party committee” is an Independent Committee established by a political party caucus of the Michigan House of Representatives. A “senate political party committee” is an Independent Committee established by a political party caucus of the Michigan Senate. As of the writing of this manual, there are four caucus

committees. Each major political party in the legislature may have one caucus committee in the Michigan House of Representatives and one caucus committee in the Michigan Senate.

Note: Independent Committees and Political Committees are both commonly referred to as “PACs” or Political Action Committees. Other names and labels are often applied to these types of committees, although the terms are not found in the Campaign Finance Act; e.g. Leadership PAC, Legislative PAC, Leadership Fund, Victory Fund, Majority Fund, Minority Fund, etc. All are either Political Committees or Independent Committees and must follow all the requirements of the Campaign Finance Act that are applicable to other Independent or Political Committees.

Political Party Committee

A Political Party Committee is a committee established by a state central, congressional district, or county committee of a political party. Each state central committee designates one official county political party committee in each county, and one official congressional district political party committee in each district.

Political Party Committees also may not accept contributions from the treasury funds of a corporation, joint stock company, labor organization, domestic dependent sovereign, or from persons holding a casino interest in one of the three Detroit casinos or from foreign nationals.

CAMPAIGN FINANCE DISCLOSURE REQUIREMENTS

CAMPAIGN STATEMENTS ARE REQUIRED OF ALL BALLOT QUESTION COMMITTEES THAT DO NOT HAVE A REPORTING WAIVER

A Ballot Question Committee discloses its Campaign Finance activity on Campaign Statements. A Campaign Statement consists of a Cover Page, Summary Page, and a series of Schedules that itemize the committee's receipts, expenditures and debts. A special purpose Schedule summarizes each fund raiser held by the committee. Campaign Statement forms and instructions can be obtained from the Department of State's Bureau of Elections in Lansing or from any county clerk.

A Ballot Question Committee that does not expect to receive or spend more than \$1,000.00 for an election may obtain a Reporting Waiver that exempts the committee from filing detailed Campaign Statements unless it exceeds the \$1,000.00 threshold. To obtain a Reporting Waiver the committee must check Item 10 on its Statement of Organization or on an amended Statement of Organization.

THE REPORTING WAIVER

A Ballot Question Committee that does not expect to receive or spend more than \$1,000.00 for an election is eligible for a Reporting Waiver. **EXCEPTION:** A Reporting Waiver does not exempt a Ballot Question Committee registered on the state level from filing a required Qualification or Non-Qualification Campaign Statement if the committee makes expenditures relative to the qualification of an issue for the ballot during the qualification period or a Late Contribution Report if a late contribution is received. A committee that qualifies for a Reporting Waiver is exempt from filing all other Campaign Statements until the committee dissolves or exceeds \$1,000.00.

To become eligible for a reporting waiver, the committee must check Item 10 on its Statement of Organization. This tells the filing official that the committee does not expect to receive or spend more than \$1,000.00 for any election. The committee can check Item 10 on its original Statement of Organization or on an amendment to the Statement of Organization.

- A committee cannot amend its Statement of Organization to exempt itself from Campaign Statements that are past due.

- Funds leftover in a Ballot Question Committee's account at the end of the election count toward the "amount received" by the committee for the next election. If the committee spends or receives more than \$1,000.00 for an election or incurs debt in excess of \$1,000.00 for an election, the Reporting Waiver is automatically lost.
- If the Reporting Waiver is lost, the committee must file the next required Campaign Statement. The first Campaign Statement filing after losing a Reporting Waiver must go back to the day after the closing date of the last Post Election or Annual Campaign Statement that was waived, whichever occurred earlier. If the committee has never filed a Campaign Statement (has always had a Reporting Waiver) the first Campaign Statement filing after losing a Reporting Waiver must go back to January 1 of the year in which the Reporting Waiver was lost.
- If, after filing the required Campaign Statement(s) the committee wishes to obtain another Reporting Waiver, it must amend its Statement of Organization (checking Item 10) to indicate to the filing official that the committee does not expect to receive or spend more than the \$1,000.00 limit in the next election.
- A committee cannot regain a Reporting Waiver between the Pre-Election and Post-Election Campaign Statements as the waiver is for the election. If the Ballot Question Committee spends or receives \$1,000.01 or more by the closing date of the Pre-Election Campaign Statement, the committee must file both the Pre-Election and the Post-Election Campaign Statements because the committee has exceeded \$1,000.00 for the election. If a committee spends or receives more than \$1,000.00, files a Pre-Election statement, lowers the account balance to \$1,000.00 or less, and requests a Reporting Waiver for the Post-Election statement, such a request can not be honored. The Reporting Waiver would not be in effect until the next election.

Receipts And Expenditures That Count Toward The \$1,000.00 Reporting Waiver Threshold:

- Money received by the committee, by the committee treasurer or by an agent of the committee as a direct contribution or as a loan, for the purpose of influencing the qualification, passage or defeat of a ballot question.
- Money spent by the committee, the committee treasurer or by an agent of the committee for the purpose of influencing the qualification, passage or defeat of a ballot question.
- The fair market value of goods or services (in-kind) given or loaned to the committee by any person, or purchased on behalf of the committee by any person for the purpose of influencing the qualification, passage or defeat of a ballot question

- Debt incurred (including late filing fees) by the treasurer or any agent of the committee on behalf of the committee.
- A cash balance left over from one election counts as funds received for the next election.
- To regain a Reporting Waiver, the balance of the committee's account must be less than \$1,000.01 and the committee must have less than \$1,000.01 in debts. A late filing fee assessed a committee is a debt owed by the committee until paid.
- A committee that loses its Reporting Waiver does not amend its Statement of Organization to notify the filing official that it expects to exceed \$1,000.00. The filing official will update the committee's records to show that the committee no longer has the Reporting Waiver when the committee files a Campaign Statement that indicates that the committee has received or spent more than \$1,000.00 for an election or incurred more than \$1,000.00 in debt.
- A committee that has a reporting waiver is not exempt from keeping complete records on the committee's financial activity. The treasurer of a Ballot Question Committee with (or without) a Reporting Waiver is required to keep and maintain records of all receipts and expenditures for 5 years.

CAMPAIGN STATEMENT COVERAGE DATES

Campaign Statements have specific coverage periods. The first Campaign Statement filed by a committee "opens" on the day the committee formed and extends through the "closing date" of the Statement that is due. Subsequent Campaign Statements "open" on the day after the last day covered by the previous Campaign Statement filed by the committee and extend through the "closing date" of the Statement that is due.

Campaign Statements Required of Ballot Question Committees

Ballot Question Committees that do not maintain a Reporting Waiver are required to file Campaign Statements according to the schedule detailed below:

Type of Statement	Closing Date of Statement	Statement Due Date
Pre-Election Campaign Statement	16 days before election	11 days before election
Post Election Campaign Statement	20 days after election	30 days after election
Annual Campaign Statement	December 31	January 31

Statewide Ballot Question Committees only (in addition to Pre-Election, Post-Election and Annual Campaign Statements):

Qualification Statement	28 days after qualification	35 days after qualification of issue for ballot
Non-Qualification Statement	28 days after last date to qualify for ballot	35 days after last date to qualify

- An Annual Campaign Statement is required each year on January 31 (closes on December 31). The Annual Campaign Statement is required even if the committee does not have any receipts or expenditures to disclose for the period covered by the Statement. The Annual Campaign Statement is waived if the committee files a Post-General Campaign Statement during the month of December.
- A Pre-Election Campaign Statement is required to be filed 11 days before any election in which the committee participates (closes 16 days before the election).
- A Post-Election Campaign Statement is required 30 days after any election in which the committee participates (closes 20 days after the election). A committee that files a Pre-Election Campaign Statement for an election is automatically required to file a Post-Election Campaign Statement for that election.
- A Ballot Question Committee that supports or opposes the qualification of a **statewide ballot proposal** is required to file a Qualification or Non-Qualification Campaign Statement 35 days after the proposal qualifies or fails to qualify for the ballot (closes 28 days after the qualification or non-qualification date). The due dates of Qualification and Non-Qualification Campaign Statements are provided to committees through the Michigan Department of State's Bureau of Elections. A Reporting Waiver does not waive qualification or Non-Qualification Campaign Statements.

The term "election" is used to mean a primary, general, special, recall, or millage election held in Michigan. A committee is considered to be a participant in an election if it makes a contribution or an expenditure to support or oppose a ballot question on the election ballot. This includes a contribution made or an independent expenditure made on behalf of another Ballot Question Committee participating in the election.

LATE CONTRIBUTION REPORTS

The treasurer or designated record keeper of a Ballot Question Committee must report all “late contributions” received by the committee after the close of books for the Pre-Election Campaign Statement. A late contribution is any single contribution of \$200.00 or more received between the 15th and the 3rd day before the date of any election in which the committee participates.

- The Bureau of Elections must receive a Late Contribution Report within 48 hours after the committee’s receipt of the contribution. The receipt date is not the date the check or other written instrument was written or the date the contribution was deposited into the committee’s bank account. A contribution is *received by a committee* on the date that the monetary funds, written instrument, or in-kind contribution of goods from the contributor have come into the *physical possession of the committee treasurer, designated record keeper or other person acting as an agent of the committee*.
- For purposes of reporting the receipt of a late contribution of an in-kind contribution of services, the in-kind contribution is considered to be *received by the committee on the date the committee treasurer, designated record keeper or other person acting as an agent of the committee receives verbal or written notice from the contributor that the contribution has, in fact, been made*.
- In addition to this Report, a late contribution must be included on the next Campaign Statement filed by the recipient committee. A Reporting Waiver does not exempt a committee from filing Late Contribution Reports.
- A Late Contribution Report must contain the date and amount of the contribution along with the contributor’s name, street address, occupation, employer’s name and principal place of business. The report is not made on Campaign Statement forms and may be made by fax, telegram or any other means of written communication. The fax number for the Bureau of Elections is (517) 373-0941. There is no Late Contribution Report form and the Report need not contain a signature and may be filed on letterhead stationery or plain paper.

FILING INFORMATION

WHERE TO FILE?

- If the ballot question supported or opposed by the committee will be voted on in one county, the committee files Campaign Statements with the clerk of that county.
- If the ballot question supported or opposed by the committee will be voted on in more than one county, the committee files Campaign Statements with the clerk of the county having the greatest number of registered voters eligible to vote on the ballot question.
- If the ballot question will be voted on statewide, the committee files Campaign Statements with the Michigan Department of State, Bureau of Elections, Post Office Box 20126, Lansing, Michigan 48901-0726. Office location: Mutual Building, 4th Floor, 208 North Capital, Lansing, Michigan 48933. Phone: (517) 373-2540.

NUMBER OF CAMPAIGN STATEMENT COPIES REQUIRED

A Ballot Question Committee that files with the Department of State's Bureau of Elections must file two (2) copies of each required Campaign Statement (one original and one photocopy). A Ballot Question Committee that files on the county level should contact the county clerk for information on the number of Campaign Statements to file.

ENSURING TIMELY FILINGS

- Electronic filings must be transmitted and received by the Bureau of Elections before 5:00 p.m. on the due date.
- Paper filings that are hand delivered or sent by first class mail must reach the Bureau of Elections before 5:00 p.m. on the due date. (The postmarked date is not used in this instance to determine the timeliness of the filing.) Committees must be sure to allow adequate mailing time when sending a filing by first class mail.
- A Statement of Organization, Annual Campaign Statement or a Post-Campaign Statement that is sent by *registered mail, certified mail or an overnight delivery*

*service and postmarked **on or before** the filing deadline* will be accepted as a timely filing regardless of when it is delivered.

- A Pre-Election Campaign Statement that is sent by *registered mail, certified mail or an overnight delivery service and postmarked **two or more days** before the filing deadline* will be accepted as a timely filing regardless of when it is delivered.

REQUIREMENTS FOR ACCEPTABLE FILINGS

Paper Filings:

- A Campaign Statement, filed on paper, may not be accepted if it is illegible, does not bear a proper signature, is printed on paper that is not the proper size, or is not filed on paper forms provided by the Department of State or forms previously approved in writing by the Department's Bureau of Elections. Please contact the Bureau of Elections for information and written approval of substitute forms before using them for a filing.
- A Campaign Statement, filed on paper, must be complete and accurate, and verified as such by the committee treasurer or designated record keeper. The Campaign Statement must be signed by the committee treasurer or designated record keeper. The designated record keeper may sign the statement in place of the committee treasurer.

Electronic Filings:

- Campaign Statements may be filed electronically using MERTS software or other privately purchased software that meets the file layout and format requirements of the Secretary of State. By using the MERTS software, a committee may file Campaign Statements over the Internet or by computer disk.
- Electronic filings must meet all specifications of the Department of State and must be filed in compliance with instructions provided by the Department. Please contact the Bureau of Elections for specifications and software format for electronic filing.
- The committee may obtain the MERTS filing software from the Bureau of Elections, free of charge, upon completion of a MERTS training class by the committee treasurer, designated record keeper or other person designated by the committee.
- The committee must have appropriate signatures on file and passwords issued before filing electronically with the Bureau of Elections.

LATE FILING FEES

Charts on the following pages are designed to inform the Ballot Question Committee of the late filing fees that may be assessed for the late filing of Campaign Statements and reports required to be filed pursuant to the Michigan Campaign Finance Act.

The late filing fee for a late-filed Statement of Organization is \$10.00 per business day not to exceed \$300.00.

LATE FILING FEES: STATEMENT OF ORGANIZATION <u>ALL COMMITTEES</u> (Section 24(1))	
DAY 1	\$10.00
DAY 2	\$20.00
DAY 3	\$30.00
DAY 4	\$40.00
DAY 5	\$50.00
DAY 6	\$60.00
DAY 7	\$70.00
DAY 8	\$80.00
DAY 9	\$90.00
DAY 10	\$100.00
DAY 11	\$110.00
DAY 12	\$120.00
DAY 13	\$130.00
DAY 14	\$140.00
DAY 15	\$150.00
DAY 16	\$160.00
DAY 17	\$170.00
DAY 18	\$180.00
DAY 19	\$190.00
DAY 20	\$200.00
DAY 21	\$210.00
DAY 22	\$220.00
DAY 23	\$230.00
DAY 24	\$240.00
DAY 25	\$250.00
DAY 26	\$260.00
DAY 27	\$270.00
DAY 28	\$280.00
DAY 29	\$290.00
DAY 30	\$300.00

LATE CONTRIBUTION REPORTS

A committee, candidate, treasurer or designated record keeper who fails to report a late contribution as required by Section 32(1) shall pay a late filing fee that shall not exceed \$2,000.00 as determined as follows:

- (a) \$25.00 for each business day the report remains unfiled.
- (b) An additional \$25.00 for each business day after the first 3 business days the report remains unfiled.
- (c) An additional \$50.00 for each business day after the first 10 business days the report remains unfiled.

The filing official must assess a \$25.00 late filing fee for the first 3 business days that a statement remains unfiled; a \$50.00 (\$25.00 + \$25.00) late filing fee for the 4th through the 10th business days that the statement remains unfiled; and a \$100.00 (\$25.00 + \$25.00 + \$50.00) late filing fee for the 11th through 26th business days that a statement remains unfiled. The \$2,000.00 maximum late filing fee will have been reached at that point.

LOCAL BALLOT QUESTION COMMITTEE PRE-ELECTION OR POST ELECTION CAMPAIGN STATEMENT

If a local Ballot Question Committee has raised \$10,000.00 or less during the previous 2 years, the late filing fee for late filing a Pre-Election or Post-Election Campaign Statement shall be \$25.00 for each business day the statement remains unfiled, but not to exceed \$1,000.00.

If a local Ballot Question Committee has raised more than \$10,000.00 during the previous 2 years, the late filing fee for late filing a Pre-Election or Post-Election Campaign Statement shall be \$50.00 for each business day the statement remains unfiled, but not to exceed \$2,000.00.

LOCAL OR STATEWIDE BALLOT QUESTION COMMITTEE ANNUAL CAMPAIGN STATEMENT

A committee, treasurer, or designated record keeper for a local Ballot Question Committee who fails to file an Annual Campaign Statement shall pay a late filing fee of \$25.00 for each business day the statement remains unfiled. The late filing fee shall not exceed \$500.00.

LATE FILING FEES: LATE CONTRIBUTION REPORTS <u>ALL COMMITTEES</u> (Section 32(4))	
DAY 1	\$25.00
DAY 2	\$50.00
DAY 3	\$75.00
DAY 4	\$125.00
DAY 5	\$175.00
DAY 6	\$225.00
DAY 7	\$275.00
DAY 8	\$325.00
DAY 9	\$375.00
DAY 10	\$425.00
DAY 11	\$525.00
DAY 12	\$625.00
DAY 13	\$725.00
DAY 14	\$825.00
DAY 15	\$925.00
DAY 16	\$1,025.00
DAY 17	\$1,125.00
DAY 18	\$1,225.00
DAY 19	\$1,325.00
DAY 20	\$1,425.00
DAY 21	\$1,525.00
DAY 22	\$1,625.00
DAY 23	\$1,725.00
DAY 24	\$1,825.00
DAY 25	\$1,925.00
DAY 26	\$2,000.00

LATE FILING FEES: PRE-ELECTION OR POST ELECTION CAMPAIGN STATEMENT LOCAL BALLOT QUESTION COMMITTEE THAT RECEIVED \$10,000.00 OR LESS DURING THE PREVIOUS 2 YEARS (Section 34(5))	
DAY 1	\$25.00
DAY 2	\$50.00
DAY 3	\$75.00
DAY 4	\$100.00
DAY 5	\$125.00
DAY 6	\$150.00
DAY 7	\$175.00
DAY 8	\$200.00
DAY 9	\$225.00
DAY 10	\$250.00
DAY 11	\$275.00
DAY 12	\$300.00
DAY 13	\$325.00
DAY 14	\$350.00
DAY 15	\$375.00
DAY 16	\$400.00
DAY 17	\$425.00
DAY 18	\$450.00
DAY 19	\$475.00
DAY 20	\$500.00
DAY 21	\$525.00
DAY 22	\$550.00
DAY 23	\$575.00
DAY 24	\$600.00
DAY 25	\$625.00
DAY 26	\$650.00
DAY 27	\$675.00
DAY 28	\$700.00
DAY 29	\$725.00
DAY 30	\$750.00
DAY 31	\$775.00
DAY 32	\$800.00
DAY 33	\$825.00
DAY 34	\$850.00
DAY 35	\$875.00
DAY 36	\$900.00
DAY 37	\$925.00
DAY 38	\$950.00
DAY 39	\$975.00
DAY 40	\$1,000.00

LATE FILING FEES: PRE-ELECTION OR POST ELECTION CAMPAIGN STATEMENT LOCAL BALLOT QUESTION COMMITTEE THAT RECEIVED MORE THAN \$10,000.00 DURING THE PREVIOUS 2 YEARS (Section 34(5))	
DAY 1	\$50.00
DAY 2	\$100.00
DAY 3	\$150.00
DAY 4	\$200.00
DAY 5	\$250.00
DAY 6	\$300.00
DAY 7	\$350.00
DAY 8	\$400.00
DAY 9	\$450.00
DAY 10	\$500.00
DAY 11	\$550.00
DAY 12	\$600.00
DAY 13	\$650.00
DAY 14	\$700.00
DAY 15	\$750.00
DAY 16	\$800.00
DAY 17	\$850.00
DAY 18	\$900.00
DAY 19	\$950.00
DAY 20	\$1,000.00
DAY 21	\$1,050.00
DAY 22	\$1,100.00
DAY 23	\$1,150.00
DAY 24	\$1,200.00
DAY 25	\$1,250.00
DAY 26	\$1,300.00
DAY 27	\$1,350.00
DAY 28	\$1,400.00
DAY 29	\$1,450.00
DAY 30	\$1,500.00
DAY 31	\$1,550.00
DAY 32	\$1,600.00
DAY 33	\$1,650.00
DAY 34	\$1,700.00
DAY 35	\$1,750.00
DAY 36	\$1,800.00
DAY 37	\$1,850.00
DAY 38	\$1,900.00
DAY 39	\$1,950.00
DAY 40	\$2,000.00

LATE FILING FEES: ANNUAL CAMPAIGN STATEMENT LOCAL OR STATEWIDE BALLOT QUESTION COMMITTEE (Section 35(3))	
DAY 1	\$25.00
DAY 2	\$50.00
DAY 3	\$75.00
DAY 4	\$100.00
DAY 5	\$125.00
DAY 6	\$150.00
DAY 7	\$175.00
DAY 8	\$200.00
DAY 9	\$225.00
DAY 10	\$250.00
DAY 11	\$275.00
DAY 12	\$300.00
DAY 13	\$325.00
DAY 14	\$350.00
DAY 15	\$375.00
DAY 16	\$400.00
DAY 17	\$425.00
DAY 18	\$450.00
DAY 19	\$475.00
DAY 20	\$500.00

**STATEWIDE BALLOT QUESTION COMMITTEE
PRE-ELECTION CAMPAIGN STATEMENT**

A committee, treasurer, or designated record keeper for a Ballot Question Committee supporting a statewide ballot question that fails to file a Pre-Election Campaign Statement shall pay a late filing fee for each business day the statement remains unfiled, not to exceed \$1,000.00 and determined as follows:

- First day \$25.00
- Second day \$50.00
- Third day \$75.00
- Fourth day and for each subsequent day that the statement remains unfiled \$100.00

LATE FILING FEES: PRE-ELECTION CAMPAIGN STATEMENT STATEWIDE BALLOT QUESTION COMMITTEE (Section 34(3))	
DAY 1	\$25.00
DAY 2	\$75.00
DAY 3	\$150.00
DAY 4	\$250.00
DAY 5	\$350.00
DAY 6	\$450.00
DAY 7	\$550.00
DAY 8	\$650.00
DAY 9	\$750.00
DAY 10	\$850.00
DAY 11	\$950.00
DAY 12	\$1,000.00

**LATE FILING FEES: QUALIFICATION, NON-QUALIFICATION OR POST-ELECTION
CAMPAIGN STATEMENTS- STATE-WIDE BALLOT QUESTION COMMITTEES THAT
RECEIVED \$10,000.00 OR LESS DURING PREVIOUS 2 YEARS (Section 34(4))**

DAY 1	\$25.00
DAY 2	\$50.00
DAY 3	\$75.00
DAY 4	\$100.00
DAY 5	\$125.00
DAY 6	\$150.00
DAY 7	\$175.00
DAY 8	\$200.00
DAY 9	\$225.00
DAY 10	\$250.00
DAY 11	\$275.00
DAY 12	\$300.00
DAY 13	\$325.00
DAY 14	\$350.00
DAY 15	\$375.00
DAY 16	\$400.00
DAY 17	\$425.00
DAY 18	\$450.00
DAY 19	\$475.00
DAY 20	\$500.00
DAY 21	\$525.00
DAY 22	\$550.00
DAY 23	\$575.00
DAY 24	\$600.00
DAY 25	\$625.00
DAY 26	\$650.00
DAY 27	\$675.00
DAY 28	\$700.00
DAY 29	\$725.00
DAY 30	\$750.00
DAY 31	\$775.00
DAY 32	\$800.00
DAY 33	\$825.00
DAY 34	\$850.00
DAY 35	\$875.00
DAY 36	\$900.00
DAY 37	\$925.00
DAY 38	\$950.00
DAY 39	\$975.00
DAY 40	\$1,000.00

LATE FILING FEES: QUALIFICATION, NON-QUALIFICATION OR POST-ELECTION CAMPAIGN STATEMENTS- STATE-WIDE BALLOT QUESTION COMMITTEES THAT RECEIVED MORE THAN \$10,000.00 DURING PREVIOUS 2 YEARS (Section 34(4))

DAY 1	\$50.00
DAY 2	\$100.00
DAY 3	\$150.00
DAY 4	\$200.00
DAY 5	\$250.00
DAY 6	\$300.00
DAY 7	\$350.00
DAY 8	\$400.00
DAY 9	\$450.00
DAY 10	\$500.00
DAY 11	\$550.00
DAY 12	\$600.00
DAY 13	\$650.00
DAY 14	\$700.00
DAY 15	\$750.00
DAY 16	\$800.00
DAY 17	\$850.00
DAY 18	\$900.00
DAY 19	\$950.00
DAY 20	\$1,000.00
DAY 21	\$1,050.00
DAY 22	\$1,100.00
DAY 23	\$1,150.00
DAY 24	\$1,200.00
DAY 25	\$1,250.00
DAY 26	\$1,300.00
DAY 27	\$1,350.00
DAY 28	\$1,400.00
DAY 29	\$1,450.00
DAY 30	\$1,500.00
DAY 31	\$1,550.00
DAY 32	\$1,600.00
DAY 33	\$1,650.00
DAY 34	\$1,700.00
DAY 35	\$1,750.00
DAY 36	\$1,800.00
DAY 37	\$1,850.00
DAY 38	\$1,900.00
DAY 39	\$1,950.00
DAY 40	\$2,000.00

WAIVER OF LATE FILING FEES

The Department of State and the county clerks throughout the state have the authority to waive a late filing fee for reasons of incapacitating physical illness, hospitalization, accident involvement, death, incapacitation for medical reasons or other unique, unintentional factors beyond the filer's control not stemming from a negligent act or non-action.

A request for a late filing fee waiver must be accompanied by documentation that supports the reason for the request. A filing official does not have the authority to waive a late filing fee for any of the following reasons:

- Not receiving notice of the filing requirement;
- Not being in town or picking up the mail;
- Not being aware of the filing requirements;
- Not knowing where to get forms; or
- Sending the filing to the wrong office.

For further information on the provisions of the Campaign Finance Act that govern late filing fee waivers, contact the Michigan Department of State, Bureau of Elections, P. O. Box 20126, Lansing, Michigan 48901-0726. Phone (517) 373-2540.

LATE FILING FEE HEARINGS (COMMITTEES REGISTERED WITH THE BUREAU OF ELECTIONS)

The Campaign Finance Act holds treasurers and designated record keepers equally and severally liable for late filing fees. Therefore, the Department of Treasury may take collection actions against the personal financial holdings of these individuals to bring the account balance to zero. Collection actions by the Department of Treasury could include levy on wages, set-off against state income tax refunds or any other means at the Department of Treasury's disposal. Committees are urged to promptly pay late filing fees to avoid collection by the Department of Treasury, State Agency Collections Division.

Before a late filing fee is referred for collection, the committee will be notified of your right to request a hearing to contest the validity of any late filing fee. You must request a hearing in writing within 14 days after being notified of your right to request such hearing. If you request a hearing, it will be held in Lansing before a hearing officer authorized to decide whether the late filing fees were properly assessed, whether the

waiver portions of the law apply and related matters. Failure to request a hearing waives any rights you may have to a hearing.

A written request for a hearing must be sent to:

Michigan Department of State
Compliance and Rules Division
Third Floor Mutual Building
208 North Capital Avenue
Lansing, Michigan 48918-2170

Please note that if the debt is uncontested or if a ruling is entered at the hearing that late filing fees are due, the committee's account will be assigned to the Michigan Department of Treasury for collection. When the account is received by Treasury, the Michigan income tax refund of the candidate, treasurer and/or the designated recordkeeper may be applied to this debt. Treasury may also levy on salary and wages, or seize any money or other assets held by these individuals in order to collect on this debt.

To pay an unpaid late filing fee, send the remittance, made payable to "State of Michigan" to:

Michigan Department of State
Bureau of Elections
P. O. Box 20126
Lansing, Michigan 48901

Write the committee's Campaign Finance Identification Number on the check or money order that is submitted for payment.

CONTRIBUTIONS AND OTHER RECEIPTS

“Contributions” are the funds, goods and services donated to the committee. “Other receipts” include interest, refunds and rebates received by the committee.

RECORDING AND REPORTING CONTRIBUTIONS AND OTHER RECEIPTS

The committee’s treasurer or designated recordkeeper must:

- Record and report all contributions from individuals, regardless of amount, by the amount, date received, and the donor’s name and address. If single or cumulative contributions received from the same individual during a calendar year total \$100.01 or more, the donor’s occupation, employer and principal place of business must also be recorded.
- Record and report all contributions received from other committees, regardless of amount, by the amount, date received, and the committee’s name and address.
- Record and report all contributions received from groups, businesses, firms or any other types of organizations that are not registered as a committee under the Act by amount, date received and the contributing organization’s name and address. If an individual gave toward the organization’s contribution, the amount the individual gave, the date the organization received the individual’s contribution, and the individual’s name and address must be recorded. If an individual gave \$100.01 or more toward the organization’s contribution, the individual’s occupation, employer and principal place of business must also be recorded.
- Record and report all “other receipts” by the amount, date received, the name and address of the source and a short description.
- Promptly deposit in the committee’s depository all funds received by the committee.

The date of receipt is not the date the check or other written instrument was written or the date the contribution was deposited into the committee’s account. The committee receives a contribution on the date that the monetary funds, written instrument, or in-kind contribution of goods from the contributor come into the physical possession of the committee treasurer, designated record keeper or other person acting as an agent of the committee.

An in-kind contribution of services is considered to be received by the committee on the date the committee treasurer, designated record keeper or other person acting as an agent of the committee receives verbal or written notice from the contributor that the contribution has been made.

Contributions include donations or loans (except loans from financial institutions in their regular course of business) of money; membership dues; money received from sales of merchandise such as campaign buttons, bumper stickers, tee-shirts, caps, etc.; sale of tickets for various functions and events; dinners, dances, raffles, "pass the hat" collections, garage sales and other types of fund raisers.

WHEN A WRITTEN INSTRUMENT IS REQUIRED

Contributions of \$20.01 or more must be made by a written instrument such as a check or money order that must show the name of the person making the contribution and the name of the committee accepting the contribution. A committee may not accept contributions of \$20.01 or more in cash. The committee must record the same type of detailed information for a credit card contribution as for any other type of contribution.

CONTRIBUTIONS RECEIVED FROM PARTNERSHIPS/LIMITED LIABILITY COMPANIES

The following requirements for partnerships also apply to limited liability companies and their members. A contribution to a Ballot Question Committee that is made on a partnership check is viewed as a contribution from the partnership entity unless the amount contributed is attributed to members of the partnership. Consequently, if a partnership solicits contributions from its partners or members of \$500.00 or more in a calendar year in order to make a contribution to a Ballot Question Committee and the amount contributed has **not** been attributed to members of the partnership, the partnership is required to register as a committee under the Campaign Finance Act. On the other hand, if the amount contributed has been attributed to members of the partnership, the amount involved does not count toward the \$500.00 registration threshold applicable to the partnership under the Act.

If the partnership as an entity makes independent expenditures for or against a ballot question of \$500.00 or more in a calendar year the partnership is required to register as a committee under the Campaign Finance Act.

- When the members of a partnership or a limited liability company use a business check to make a contribution to a Ballot Question Committee and want to attribute the check to members or partners, the check must be accompanied by a written

statement containing the name, address, date and amount being contributed by each partner or member. Those individuals whose contributions total more than \$100.00 must also provide their occupation, employer and principal place of business. The recipient committee then reports the amount contributed by each partner or member as a separate contribution received from an individual; the name of the partnership or limited liability company is not listed as contributor.

IN-KIND CONTRIBUTIONS

In-kind contributions are goods, services and facilities provided to the committee at no cost or at a discount. An in-kind contribution could be a donation of office supplies to the committee, a person paying off a debt incurred by the committee, someone paying the salaries of persons who are working on the ballot question campaign or a person donating professional services to the committee.

The value of an in-kind contribution is the fair market value of the goods or services or the usual rental charge of a facility for office space or a fund raiser. If the committee receives a discount unavailable to the general public, the value of the in-kind contribution is the amount discounted.

LOANS

Ballot Question Committees may accept loans from individuals and from commercial lending institutions. A loan from an individual is reported as a contribution on Schedule 4A, Itemized Contributions and on Schedule 4E, Debts and Obligations. A loan from a lending institution is reported on Schedule 4A-1, Itemized Other Receipts and on Schedule 4E, Debts and Obligations.

CONTRIBUTION EXEMPTIONS

An individual can assist a Ballot Question Committee in a number of ways without the assistance counting as a contribution to the committee. The following exemptions are designed to encourage volunteer participation in the political process:

- A volunteer's personal services do not count as a contribution as long as the volunteer assists the committee without any understanding or agreement that compensation will be received for the time donated. If the committee compensates the volunteer, the compensation must be reported as an expenditure. If a third party compensates the volunteer (an employer, for example), the compensation must be reported as an in-kind contribution from the third party to the committee. If a volunteer is on earned vacation time when assisting the committee, the vacation pay does not count as a contribution.

- The first \$500.00 spent during the year by a volunteer for personal travel expenses (gas, food, lodging) do not count as a contribution as long as the costs are voluntarily incurred without any understanding or agreement that the costs will be repaid. The committee must report additional unreimbursed travel expenses incurred by the volunteer during the year as in-kind contributions from the volunteer.
- The first \$100.00 worth of food and beverages donated during the year by an individual does not count as a contribution as long as the costs are voluntarily incurred without any understanding or agreement that the costs will be repaid. The committee must report additional donations of food and beverages given by the individual during the year as in-kind contributions.

PROHIBITED CONTRIBUTIONS

A prohibited contribution must be returned as soon as the committee recognizes that it has received a contribution that cannot be accepted. If a prohibited contribution has been deposited in the committee's account, the committee must make an expenditure from the account to return the prohibited contribution. If the prohibited contribution has not been deposited, the actual contribution must be returned. If returned within 30 business days, the receipt of the contribution is not considered to be a contribution and is therefore not a violation of Campaign Finance Act. The Michigan Campaign Finance Act prohibits the following types of contributions:

- Anonymous Contributions

A committee may not accept an anonymous contribution. The committee is required to report the name, address, date and amount for all contributions, regardless of amount. A contribution for which the committee cannot obtain this information must be donated to a tax-exempt charitable organization. A written receipt must be retained for 5 years in the committee's records

- Cash over \$20.00

A committee may not accept contributions of \$20.01 or more in cash. Contributions of \$20.01 or more must be made by written instrument, such as a check or money order. This requirement includes money received through the sale of political merchandise, fund raisers, raffles, "pass-the-hat", garage sales, dinners, dances, receptions, or through any other source.

- Foreign National

The Federal Election Campaign Act prohibits a foreign national from making any contribution or expenditure (including independent expenditures) in connection with any U.S. elections. It is also unlawful for any person to solicit, accept or receive a contribution from a foreign national.

- Contribution in the Name of Another

A person shall not make a contribution by any name other than the name by which that person is identified for legal reasons.

RETURNING CONTRIBUTIONS

Funds received by a committee which are returned to the contributor **within 30 business days** after their receipt are not viewed as a “contribution” under the Act.

- Funds, which have not been deposited in the committee’s account and are returned to the contributor, are not reported on the next Campaign Statement required of the committee.
- Funds deposited in a committee’s account that are subsequently returned to the contributor must be reported as a contribution on Schedule 4a, Itemized Contributions, of the Campaign Statement covering the period during which the contribution was received and returned. The expenditure to return the contribution is reported on Schedule 4B, Itemized Expenditures.

FUND RAISERS

To ensure that appropriate records are kept at fund raising events, the committee treasurer and designated record keeper (if any) must be familiar with the information required to be recorded and reported *before* any fund raisers are held.

- A committee planning a fund raiser should consult with local governmental units, the Liquor Control Commission, the Bureau of State Lottery and other relevant agencies for necessary licenses and permits prior to the event.
- All contributions, no matter how small, must be itemized on the Campaign Statement that covers the period during which the fund raiser was held. The treasurer must record and report names, dates and amounts for each contribution and, if the contribution exceeds \$100.00 (or causes the contributor's cumulative contributions for the calendar year to exceed \$100.00), the occupation of the contributor, the employer name and the principal place of business of the contributor.
- A committee that does not have a Reporting Waiver is required to include with each Campaign Statement a Fund Raiser Schedule 4F for each fund raising event held during the period covered by the Campaign Statement.

Joint Fund Raisers

A Ballot Question Committee that holds a joint fund raiser with another committee must adhere to the following procedures to avoid violations of the Michigan Campaign Finance Act.

Written Agreement

Prior to the event, an agreement should be drafted in writing between all sponsoring committees indicating the following information:

- The exact share of contributions to be assigned to each committee.
- The proportional share of expenditures to be delegated to each committee.
- Designation of a joint account in a secondary depository in a Michigan bank, credit union or savings and loan association for deposit of all contributions and other receipts from the joint fund raising event. Each committee must amend its Statement of Organization to indicate the location of the secondary depository.

The secondary depository is only to be used to receive the contributions and then to split the contributions proportionately to all committees as agreed. No expenses may be paid from the secondary depository. Funds deposited into the joint account must be transferred without delay to the committees' official depositories in the proportion agreed upon.

- The manner of payment for expenses attributable to the event. For example, one committee may be designated to pay all expenses for the event and receive subsequent reimbursement, within a designated time, from the other sponsoring committees. Alternately, each committee may pay its proportionate share of each expense as it arises.

Advertising the Event

All advertising, either before or at the event, must inform contributors of the following:

- The event is a joint fund raiser.
- The names of the committee involved.
- The agreed share of each contribution to be allocated to each committee.
- The manner of writing checks or other written instruments by the contributors.

For example, if the fund raiser has a name which is on the secondary depository, such as "Campaign '98", checks would be made payable to "Campaign '98".

Record keeping and Reporting Requirements

The treasurers or designated record keepers of the sponsoring committees must carefully record the contributions and other receipts received in connection with the event. Participating committees that are required to file Campaign Statements must accurately report their share of the recorded information. Sponsoring committees that maintain a Reporting Waiver are not required to report the recorded information unless the Reporting Waiver is lost. Record keeping and reporting requirement related to joint fund raising events are detailed below:

- Each committee must record and report the name and address of each contributor, the portion of the contribution received by the committee, and date of the contribution.
- If the agreement designates a committee to pay all expenses for which reimbursement will be made at a later time, the designated committee must itemize all expenditures over \$50.00. The committee must specify, in the

“Purpose” field on Schedule 4B, Itemized Expenditures, that the expenditures are related to a joint fund raiser. The committee reports the reimbursements from the other committees on Schedule 4A-1, Itemized Other Receipts, checking the “Other” box and indicating that the receipt is a joint fund raiser reimbursement.

- Each committee making reimbursement must report its share of the reimbursement on Schedule 4B as an expenditure, itemizing each expenditure over \$50.00, using Memo Itemizations as necessary, to report the name and address of the vendor or other person paid.
- If it is agreed in writing that each committee will pay its proportionate share of each expense as it arises, each committee must itemize its share of each expense if that share exceeds \$50.00.
- Each committee must complete a Fund Raiser Schedule, to be included in its next Campaign Statement, reporting only its share of the receipts and expenditures. The committee should complete the joint fund raiser section on the Fund Raiser Schedule.
- Each committee must treat the gross amount of each proportionate share of a contribution as a reportable contribution and not merely the net proceeds after deducting expenses.
- If one committee pays more than its proportionate share of the expenses, it is making an in-kind contribution to the other sponsoring committees.

EXPENDITURES

"Expenditures" are anything of monetary value spent by the committee to influence the qualification, passage or defeat of a ballot question. When a committee makes an expenditure to, or on behalf of another committee, it is an "expenditure" by the spending committee and a "contribution" to the recipient committee.

RECORDING AND REPORTING EXPENDITURES

The committee treasurer or designated recordkeeper must:

- Record and report all expenditures over \$50.00 from the committee account by the amount, purpose, date made, and the recipient's name and address.
- Record and report all expenditures (regardless of amount)) made to or on behalf of another Ballot Question Committee by the amount, date made, and the recipient committee's name and address, including the name and address of the vendor or person paid. Record the proposal letter or a brief description of the ballot question supported by the recipient committee and the county, city, township or village where it appears on the ballot.
- Record and report all expenditures made to support or oppose a ballot question by the amount, date made and a description of the question. Indicate whether the question is a statewide, multi-county or single-county issue and whether the committee is supporting or opposing the issue. For multi-county issues, indicate the name of the county with the greatest number of voters eligible to vote on the issue.

Refer to the Ballot Question Committee Campaign Statement Instructions booklet for specific information on how expenditures are reported.

TREASURER'S RESPONSIBILITY

- The committee treasurer is responsible for authorizing and making all expenditures from the committee's depository or designating an agent to do so. Persons authorized to make committee expenditures do **not** have to be listed on the committee's Statement of Organization.
- The treasurer must substantiate all expenditures by a receipt or a canceled check with the specific purpose of the expenditure written on it or attached to it.

Records must be maintained for 5 years after the filing date of the Campaign Statements reporting the transactions.

- The treasurer is responsible for receiving and promptly depositing all contributions and other receipts.
- The treasurer is responsible for the timely filing of all Campaign Statements and other Campaign Finance documents. The treasurer is also responsible for responding to any Notice of Error or Omission issued by the committee's filing official.
- The treasurer is responsible for the payment of all late filing fees incurred by the committee.

WHEN A WRITTEN INSTRUMENT IS REQUIRED

An expenditure of \$50.01 or more must be made by a written instrument such as a check or money order. The written instrument must show the committee's name, date, amount, and the name of the recipient. A committee may not make expenditures of \$50.01 or more in cash.

PETTY CASH

- The committee treasurer may establish a petty cash fund with funds withdrawn from the committee's official depository.
- The committee must record the name, date, and amount of each expenditure made from the petty cash fund.
- Only cash expenditures of \$50.00 or less may be made from the petty cash fund.

IN-KIND EXPENDITURES

In-kind expenditures are goods, services and facilities provided to another committee at no cost or at a discount.

The value of an in-kind expenditure is the fair market value or usual rental charge of the good, service or facility. If the committee provides a good, service or facility to another committee at a discount, the value of the in-kind expenditure is the amount discounted.

A Ballot Question Committee may not make an in-kind expenditure to a Candidate Committee or to any type of committee that supports or opposes candidates.

INDEPENDENT EXPENDITURES

Independent expenditures are expenditures made to support or oppose a ballot question without the direction or control of another person or committee, including supporting or opposing the primary Ballot Question Committee that is supporting or opposing the ballot question. Independent expenditures are never made under the control of or at the direction of another person or committee and are not contributions to any committee. Independent expenditures can be made in any amount.

EXPENDITURE EXEMPTIONS

The Act exempts the following activities from the expenditure definition:

- A group or committee may communicate with its paid members or shareholders without having to report the expenses involved as expenditures. The communication can support or oppose ballot questions.
- A group or committee may communicate with anyone on a subject or an issue without having to report the expenses involved as expenditures if the communication does not support or oppose a ballot question by name or clear inference.

LOANS BY BALLOT QUESTION COMMITTEES

A Ballot Question may make a loan, or guarantee or endorse a loan, only to another Ballot Question Committee.

DELIVERY OF A CONTRIBUTION TO A ANOTHER COMMITTEE BY A THIRD PARTY

An individual who obtains possession of a contribution that a committee registered under the Act wishes to give to another committee registered under the Act has 10 business days to take one of the following actions:

- 1) deliver the contribution to the appropriate committee treasurer;
- 2) deliver the contribution to any agent of the appropriate committee; or
- 3) return the contribution to the payor.

The 10-day time limit for these actions does not apply if the individual in possession of the contribution is the treasurer of the contributing committee or the contributing committee's designated record keeper.

USE OF INDEPENDENT CONTRACTORS BY BALLOT QUESTION COMMITTEES

A committee that contracts with an agent or an independent contractor to make expenditures on behalf of the committee must disclose the expenditures made to and by the agent or independent contractor as if the expenditure were made directly by the committee. Examples of agents and independent contractors typically employed by committees are: political consultants; public relations consultants; political consulting firms; public relations firms; media buyers; advertising agencies; and marketing firms.

Services typically provided to committees by agents and independent contractors include purchasing radio and television time; producing radio and television spots; producing or purchasing still photographs; producing or purchasing printed materials; producing or purchasing buttons, hats, bumper stickers, and other campaign materials; purchasing mail lists; conducting direct mail activities; and employing temporary help.

Each expenditure made by an agent or independent contractor on behalf of the committee must be disclosed with the Campaign Statement that covers the reporting period in which the expenditure was made if:

- 1) the expenditure is one that the committee would have made itself, or
- 2) the expenditure was made to a sub-contractor supplying services to the agent or independent contractor.

To enable committees to meet this Disclosure requirement, the Campaign Finance Act requires agents and independent contractors working for a committee to provide the committee with a listing of the expenditures made on the committee's behalf. The listing must include the names and addresses of the vendors or persons paid \$50.01 or more by the independent contractor on behalf of the committee. Agents and sub-contractors are not required to provide an accounting of funds received from a committee that were taken as a profit or used to meet normal operating expenses.

Expenditure listings must include the name and address of each individual or business that received more than \$50.00 through a single expenditure or through a series of expenditures made by the agent or independent contractor during the reporting period, the purpose and amount of each expenditure, and the date each expenditure was made. Single or cumulative expenditures of \$50.00 or less made by an agent or independent contractor do not have to be itemized but should be reported in a lump sum total on the Summary Page. Refer to the Campaign Statements Instructions booklet for Ballot Question Committees for detailed instructions for reporting independent contractor expenditures using Memo Itemizations.

PROHIBITED EXPENDITURES

- A committee may not make a single expenditure from petty cash that exceeds \$50.00.
- A committee may not make a cash expenditure that exceeds \$50.00.
- A Ballot Question Committee may not make expenditures to, in support of, or in opposition to, a Candidate Committee or any committee that supports or opposes candidates.

<p>MICHIGAN ELECTION PARTICIPATION BY OUT-OF-STATE GROUPS</p>
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RECEIPT OF OUT-OF-STATE CONTRIBUTIONS

- A committee registered under the Michigan Campaign Finance Act may accept contributions from out-of-state contributors. A statement must be included with any out-of-state contribution if the contributor is not an individual and the contributing group is not registered as a committee under the Act. The statement must include the date the contribution was made, the amount of the contribution, the full name and address of each person or committee contributing to the contribution and the occupation, employer and principal place of business of each person contributing \$100.01 or more of the contribution. An officer of the contributing group or other contributing person must certify that the statement is true and correct.
- A committee registered under the Act may not accept a contribution from an out-of-state group unless the statement is submitted with the contribution. The contributor must provide the detailed information to the recipient Michigan committee when making the contribution. The recipient committee must include the information from the statement in the Campaign Statement (using Memo Itemizations) covering the period of time when the contribution was received. Refer to the Ballot Question Committee Campaign Statement Instructions booklet for specific instructions.

Last-In-First-Out

To facilitate reporting of detailed contributor information, contributing organizations may use the Last-In-First-Out method to identify the persons whose contributions were a part of the expenditure made to Michigan committees. With this method, the expenditure made to the Michigan committee is considered to be composed of the last contributions received by the contributing committee prior to making the expenditure. Other types of acceptable accounting methods may be used to identify the contributors whose money is included in the contribution made in Michigan if the contributor has developed such a method.

REGISTRATION REQUIREMENTS FOR OUT-OF-STATE GROUPS

Michigan's Campaign Finance Act requires a group operating out-of-state to form and register a Michigan committee within 10 calendar days after it spends \$500.00 or more in a calendar year to influence voters for or against the qualification, passage or defeat of one or more ballot questions in Michigan if the group makes independent expenditures for or against the ballot question or if the group solicited the funds in order to make a direct or in-kind contribution to a Ballot Question Committee.

To register, the group must file a Ballot Question Committee Statement of Organization form. After registering, the committee must file periodic Campaign Statements as required to disclose its political activity. A Ballot Question Committee that receives a contribution from an out-of-state group or organization is urged to advise them of the registration and reporting requirements of the Act.

IN-KIND CONTRIBUTIONS FROM OUT-OF-STATE CONTRIBUTORS

The same type of detailed information regarding in-kind contributions is required as with direct contributions. Some examples of in-kind contributions of this nature would be (1) payment of salaries for people who are sent into the state to work on ballot proposals, or (2) payment of the cost of producing and/or broadcasting media advertising in support or opposition of a Michigan ballot issue.

When these types of contributions are made by a group, business or other type of organization, under the direction or control of the Ballot Question Committee, the group making the expenditure is not required to form a Ballot Question Committee as long as the funds used to make the expenditure were not solicited for that purpose. The expenditure is considered to be an in-kind contribution from the out-of state group to the Michigan Ballot Question Committee.

Section 3(4) of the Campaign Finance Act exempts from the definition of committee a person, other than a registered committee, that makes an expenditure to a Ballot Question Committee as long as the entity making the expenditure does not solicit or receive contributions for the purpose of making an expenditure to that Ballot Question Committee. This would include both direct and in-kind contributions.

INDEPENDENT EXPENDITURES BY OUT OF STATE PERSONS

Groups, organizations or businesses making independent expenditures in support of, or in opposition to, Michigan ballot proposals are required to form and register a Ballot Question Committee regardless of the source of the contributions. Independent expenditures are expenditures made on behalf of a ballot question without the consent

of the committee supporting or opposing the ballot question. Independent expenditures are never made under the control of or at the direction of another committee. Independent expenditures can be made in any amount and may include expenditures to vendors to purchase printing, brochures, billboards, staff salaries, polls, media production, postage, etc. in support of, or in opposition to the proposal. Independent expenditures are not given to any Ballot Question Committee.

Ballot Question Committees are not permitted to make independent expenditures for or against candidates or on behalf of any other committee that supports or opposes candidates.

NOTICE OF ERROR OR OMISSION

A Notice of Error or Omission is sent to the Michigan Ballot Question Committee if a Campaign Statement reporting receipt of contributions from non-registered out-of-state groups or organizations is not accompanied by a detailed listing of contributors.

OUT-OF-STATE COMMITTEE TREASURER AND DEPOSITORY

Michigan's Campaign Finance Act allows a Ballot Question Committee to have a treasurer who does not reside in Michigan and a depository that is not located in Michigan if the committee does not conduct business through an office or facility located in Michigan. An out-of-state committee that has a treasurer who is not a Michigan resident must file an "irrevocable written stipulation", signed by the treasurer, with its Statement of Organization. The stipulation must state that:

- 1) any legal process affecting the committee which is served on the Secretary of State or an agent designated by the Secretary of State will have the same effect as if personally served on the committee, and
- 2) the appointment will remain in force as long as any liability of the committee remains outstanding in Michigan.

An out-of-state committee that wishes to name a treasurer who is not a Michigan resident may draft its own irrevocable written stipulation or obtain a prepared statement from the Department of State's Bureau of Elections in Lansing. An out-of-state committee that chooses to draft its own irrevocable written stipulation is advised to follow the model provided here on the following page.

- Stipulation -

I stipulate and agree that any legal process affecting this committee served on the Secretary of State or an agent designated by the Secretary of State shall have the same effect as if personally served on me and all other principals of this committee. I further agree that this appointment shall remain in force as long as any liability of this committee remains outstanding within the State of Michigan.

Committee Name: _____

Treasurer's Name (Print): _____

Treasurer's Signature: _____

Date: _____

IDENTIFICATION REQUIREMENTS

The Act requires all paid advertisements having reference to an election or a ballot question to contain an identification statement and, if applicable, a disclaimer statement. *An individual, other than a candidate, is not subject to this provision if the individual is acting independently and not acting as an agent for a candidate or any committee.* The identification must be clear to the reader or listener and worded as follows:

- All printed matter having reference to an election or a ballot question, including yard signs, brochures, billboards, poll cards, fund raiser tickets, stationery, etc., must contain: "Paid for by" followed by the full name of the person or committee paying for the material and the person's or committee's street number or post office box, city or town, state and zip code.
- The identification on printed material having reference to an election, or a ballot question must be in a place and in a print clearly visible to and readable by an observer. Any other medium used for campaign purposes shall clearly and unequivocally include the identification or disclaimer, or both.
- All paid political advertisements broadcast by television or radio having reference to an election or ballot question shall identify the sponsoring person as required by the Federal Communications Commission and shall bear the name of the person paying for the advertisement.
- The identification requirements of the Act do not apply to videotapes produced by committees and cablecast on a public access channel if use of the public access video taping equipment and the public access time is free. The identification requirements only apply to paid political advertisements.

Exemptions:

Certain items are exempt from the identification or disclaimer requirement due to their size or difficulty of placement. Following is a listing of the exempted items:

aerial banners	ashtrays
badges & badge holders	balloons
bingo chips	bookmarks (2" x 6" or smaller)
brushes	bumper stickers (4" x 15" or smaller)
buttons	candy wrappers (12" x 22" or smaller)
campaign stickers (2:" x 1" or smaller)	cigarette lighters
clothespins	clothing

cloth potholders	coasters
combs	cups
drinking glasses	earrings
emery boards	envelopes
erasers	fortune cookies messages (2" x 2" or smaller)
frisbees	glasses
golf balls	golf tees
hats	horns
ice scrapers	Jar lid grippers (5" or smaller)
key rings	knives
labels	lapel pins
magnifying glasses	matchbooks
nail clippers	nail files
noisemakers	paper & plastic cups
paper & plastic plates	paper weights
pencils	pennants
pendants	pens
pinwheels	plastic tableware
pocket protectors	potholders
refrigerator magnets	ribbons
shoehorns	staple removers
sunglasses	sun visor
Sweatshirts	swizzle sticks
t-shirts	whistles
wooden nickels (approx. size of 5-cent coin)	wooden rulers (12" or smaller)
yo-yos	

Any item not included on this listing is not exempt from the Act's identification requirements.

COMMITTEE ADDRESS CHANGE

A committee that has filed an amendment to its Statement of Organization to show a committee change of address is not required to note the change of address on printed matter it previously purchased as long as the printed matter contains an identification statement that was correct at the time the printed matter was produced.

PUBLIC BODIES

Section 59 of the Michigan Campaign Finance Act provides that a public body or an individual acting for a public body shall not use or authorize the use of funds, personnel, office space, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure or provide volunteer personal services to further the nomination or election of a candidate or the qualification, passage or defeat of a ballot question.

The prohibition does not apply to any of the following:

- The expression of views by an elected or appointed public official who has policy-making responsibilities.
- The production or dissemination of factual information concerning issues relevant to the function of the public body.
- The production or dissemination of debates, interviews, commentary, or information by a broadcasting station, newspaper, magazine, or other periodical or publication in the regular course of broadcasting or publication.
- The use of a public facility owned or leased by, or on behalf of, a public body if any candidate or committee has an equal opportunity to use the public facility.
- The use of a public facility owned or leased by, or on behalf of, a public body if that facility is primarily used as a family dwelling and is not used to conduct a fund raising event.
- An elected or appointed public official or an employee of a public body who, when not acting for a public body but is on his or her own personal time, is expressing his or her own personal views, is expending his or her own personal funds, or is providing his or her own personal volunteer services.

A public body is defined in the Act as one or more of the following:

- (a) A state agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of state government.
- (b) The legislature or an agency, board, commission or council in the legislative branch of state government.

- (c) A county, city, township, village, intercounty, intercity, or regional board; a council, school district, special district, or municipal corporation; or a board, department, commission, or council or an agency of a board, department, commission, or council.
- (d) Any other body that is created by state or local authority or is primarily funded by or through state or local authority, which body exercises governmental or proprietary authority or performs a government or proprietary function.

A person who knowingly violates this section of the Act is guilty of a misdemeanor punishable, if the person is an individual, by a fine of not more than \$1,000.00 or imprisonment for not more than 1 year, or both, or if the person is not an individual, by one of the following, whichever is greater:

- (a) A fine of not more than \$20,000.00.
- (b) A fine equal to the amount of the improper contribution or expenditure.

DISSOLUTION OF A BALLOT QUESTION COMMITTEE

The Act specifies when and under what conditions a Ballot Question Committee may be dissolved. The dissolution of the committee is the final compliance step as a dissolved committee has no further filing obligations under the Act.

- To be eligible for dissolution, a committee must have no assets or outstanding debts. An unpaid late filing fee is considered to be a committee debt.
- Unexpended funds in a Ballot Question Committee's account may be returned to contributors, donated to another Ballot Question Committee, donated to a tax-exempt charity, or expended in any legal manner. Funds may not be given to a Candidate Committee, Political Party Committee, Independent or Political Committee or any type of committee that supports or opposes candidates.
- A committee that has a Reporting Waiver may dissolve by filing a single page Dissolution Campaign Statement form. The form is available from any filing official.
- A committee that does not have a Reporting Waiver must dissolve by filing a final Campaign Statement with supporting Schedules. A detailed Dissolution Campaign Statement can be combined with any other Campaign Statement required of the committee as long as the committee dissolves on or before the closing date of the Campaign Statement. A Dissolution Campaign Statement must open on the day after the closing date of the last Campaign Statement filed by the committee and close on the effective date of the committee's dissolution.

DECLARATORY RULINGS AND INTERPRETIVE STATEMENTS

The Department of State responds to questions regarding the application of the Michigan Campaign Finance Act by two methods:

- The most formal procedure is a Declaratory Ruling. A Declaratory Ruling is issued when a request for a Ruling concerns a specific, factual situation. A person who will be directly affected by the Ruling must make the request. The Ruling is binding on the Secretary of State and on the person requesting the Ruling unless modified or set aside by a court. A person requesting a Declaratory Ruling should:
 - State that a Declaratory Ruling is being requested.
 - Indicate the specific, existing set of facts involved.
 - Cite, if known, the legal authority upon which the request is based.
- Less formal than a Declaratory Ruling is an Interpretive Statement. An Interpretive Statement is issued when a request for a Declaratory Ruling is not specific enough to warrant a Ruling or when a request concerns a hypothetical situation. Interpretive Statements are also issued when a request for information is received which is significant for the general public but does not come in the form required for a Declaratory Ruling. An Interpretive Statement does not have the force and effect of law and is merely explanatory. A person requesting an Interpretive Statement should state the question as specifically and clearly as possible.

The Campaign Finance Act requires that the Department of State observe the following timetable when a proper request for a Declaratory Ruling is received:

- The Declaratory Ruling request is made available for public inspection within 48 hours after its receipt.
- Written comments on the Declaratory Ruling request are accepted from interested parties up to 10 business days after the request is received.
- A proposed response to the Declaratory Ruling request is made available for public inspection within 45 business days after the request is received.
- Written comments on the proposed response to the Declaratory Ruling request are accepted from interested parties up to 5 business days after the proposed response is made available to the public.

--- The Declaratory Ruling is issued within 60 business days after the request for the ruling is received.

Under extenuating circumstances, the Department of State may extend the above timetable for 30 business days. A person who requests a Declaratory Ruling has the authority to waive the 60-day timetable.

Mail all requests for Declaratory Rulings and Interpretive Statements to:

Michigan Department of State
Bureau of Legal Services
Compliance and Rules Division
Mutual Building, 3rd Floor
208 N. Capitol Ave.
Lansing, Michigan 48918- 2170
(517) 373-8252

COMPLAINT PROCESS

If you believe someone has violated the Michigan Campaign Finance Act (MCFA) you may file a written complaint with the Department of State. The complaint must include all of the following:

- Your name, address and telephone number.
- The alleged violator's name and address.
- A description in reasonable detail of the alleged violation, including the section or sections of the MCFA you believe were violated, an explanation of how you believe the MCFA was violated, and any other pertinent information.
- Evidence that supports your allegations.
- A certification that:

To the best of your knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of the complaint is supported by evidence.

- However, in addition, if after a reasonable inquiry under the circumstances, you are unable to certify that certain specifically identified factual contentions of the complaint are supported by evidence, you may also certify that:

To the best of your knowledge, information, or belief, there are grounds to conclude that those specifically identified factual contentions are likely to be supported by evidence after a reasonable opportunity for further inquiry.

- Your signature immediately after the certification or certifications.

If you wish to have your complaint considered, it must include all of the above information. The Department may dismiss your complaint if any item is not included, or if the complaint is determined to be frivolous, illegible, or indefinite. If the complaint is dismissed, both you and the alleged violator will be notified.

A form for filing a complaint may be obtained from the Bureau of Elections, P.O. Box 20126, Lansing, MI 48901-0726, or on the Department's web site at <http://www.sos.state.mi.us/>.

The completed form should be sent to the following address:

Michigan Department of State
Bureau of Legal Services
Compliance and Rules Division
Mutual Building, 3rd Floor
208 N. Capitol Avenue
Lansing, MI 48918-2170
Telephone: (517) 373-8252

If your complaint meets the above requirements, the Department will notify the alleged violator that a complaint has been filed. The notification will include a copy of your complaint. The alleged violator will have an opportunity to file a response. You will have an opportunity to file a rebuttal to any response. You and the alleged violator will receive periodic reports about the actions taken by the Department concerning your complaint.

If the Department finds no reason to believe that your allegations are true, your complaint will be dismissed.

If the Department finds that there may be reason to believe your allegations are true, the Department must attempt to correct the violation or prevent further violations by informal methods such as a conference, conciliation, or persuasion, and may enter into a conciliation agreement with the alleged violator.

If the Department is unable to correct the violation or prevent further violations informally, an administrative hearing may be held to determine whether a civil violation of the MCFA has occurred, or the matter may be referred to the Attorney General for the enforcement of criminal penalties. An administrative hearing could result in the assessment of a civil penalty. Such a hearing would be conducted in accordance with the Michigan Administrative Procedures Act. An order issued as a result of such a hearing may be appealed to the appropriate circuit court.

WARNING: Section 15(8) of the MCFA (MCL 169.215) provides that a person who files a complaint with a false certification is responsible for a civil violation of the MCFA. Under section 15(14) of the MCFA (MCL 169.215), the Secretary of State may require a person who files a complaint with a false certification to:

- Pay the Department some or all of the expenses incurred by the Department as a direct result of the filing of the complaint.
- Pay the alleged violator some or all of the expenses, including, but not limited to, reasonable attorney fees, incurred by that person as a direct result of the filing of the complaint.
- Pay a civil fine of up to \$1,000.00.

If you have any questions about the complaint process, please write or call the Compliance and Rules Division.

**Michigan Department of State
Campaign Finance Complaint Form**

This complaint form may be used to file a complaint alleging that someone violated the Michigan Campaign Finance Act (the MCFA, 1976 PA 388, as amended; MCL 169.201 *et seq.*).

Please print or type all information.

I allege that the MCFA was violated as follows:

Section 1. Complainant		
Your Name		Daytime Telephone Number
Mailing Address		
City	State	Zip

Section 2. Alleged Violator		
Name		
Mailing Address		
City	State	Zip

Section 3. Alleged Violations (Use additional sheet if more space is needed.)

Section(s) of the MCFA violated:

Explain how those sections were violated:

Evidence that supports those allegations (attach copies of pertinent documents and other information):

Section 4. Certification (Required)

I certify that to the best of my knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of this complaint is supported by evidence.

X

Signature of Complainant

Date

Section 5. Certification without Evidence (Supplemental to Section 4)

Section 15(6) of the MCFA (MCL 169.215) requires that the signed certification found in Section 4 of this form be included in every complaint. However, if, after a reasonable inquiry under the circumstances, you are unable to certify that certain factual contentions are supported by evidence, you may also make the following certification:

I certify that to the best of my knowledge, information, or belief, there are grounds to conclude that the following specifically identified factual contentions are likely to be supported by evidence after a reasonable opportunity for further inquiry. Those specific contentions are:

X

Signature of Complainant

Date

Section 15(8) of the MCFA provides that a person who files a complaint with a false certification is responsible for a civil violation of the MCFA. The person may be required to pay a civil fine of up to \$1,000.00 and some or all of the expenses incurred by the Michigan Department of State and the alleged violator as a direct result of the filing of the complaint.

Mail or deliver the completed complaint form and evidence to the following address:

Michigan Department of State
Bureau of Legal Services
Compliance and Rules Division
Mutual Building – Third Floor
208 N. Capitol Avenue
Lansing, Michigan 48918-2170

REFERENCE TELEPHONE NUMBERS FOR COMMITTEES

Tax Questions

Federal:

For information on the following questions:

- Federal Withholding on Campaign Workers
- Independent Contractor Rules
- Federal filing and deposit requirements for payroll tax returns

To request assistance with preparation of a form, call **1-800- 829-1040**

To receive the following forms, call **1-800-829-3676** or visit the closest Internal Revenue Service Office.

Forms may be downloaded from the Internal Revenue Service website at http://www.irs.ustreas.gov/prod/forms_pubs/index.html

The forms may also be obtained by writing to the following address:

IRS ENTITY CONTROL
CINCINNATI OH 45999

- Form 1120 POL - U.S. Income Tax Return for Certain Political Organizations
- Form 941 - Employer's Quarterly Federal Tax Return
- Form 940 - Employer's Annual Federal Unemployment Tax Return
- Form W-2 - Wage and Tax Statement
- Form SS4 - Request for a **Federal Employer Tax ID#**

After receiving and completely filling out Form SS4, call **1-606-292-5467** to receive information on the process for receiving the Federal Employer Tax ID number.

State of Michigan:

Michigan Department of Treasury **(517) 373-3190**. Questions regarding registration, filing, and deposit requirements for State of Michigan Income Tax Withholding for Campaign Workers

- **1-800-367-6263** This number is only for state forms
- Form C-5603a - Concessionaire return (for one-time fund raising event) for remitting sales tax
- Forms 3200 or 3204 - Sales, Use & Withholding Tax

Other Questions

- Michigan Department of Consumer and Industry Services **(517) 241-6470**. To determine if a potential contributor is registered as a corporation in Michigan. (Corporations are not permitted to contribute to Candidate Committees, Political Committees, Independent Committees or Political Party Committees.) The records of the Corporation Division of the Bureau of Commercial Services are open to the public. The records include the organization documents for limited partnerships, limited liability companies and corporations.

Corporate status information can be obtained by visiting the office at 6546 Mercantile Way in Lansing, Michigan; calling 517-241-6470; by writing the Bureau of Commercial Services at P.O. Box 30054, Lansing, Michigan 48909-7554 or by faxing your request to **517-334-8329**. The information includes the name of the entity, date of formation, whether it has been dissolved, current resident agent and registered office, date of last annual report filed. Copies of documents are available, as well as certificates verifying the existence of the entity. The records do not include business performance or reliability; phone numbers; value of stock; or the owner's name.

- Michigan Bureau of State Lottery **(517) 335-5780**. To secure a license or to determine if one is required for raffles, etc. for fund raising purposes.
- Liquor Control Commission, Michigan Department of Consumer and Industry Services **(517) 322-1400**. To secure liquor license and /or information for fund raisers, receptions, events, etc. where alcohol may be served or sold. For information on posting campaign signs on buildings where alcohol is served or sold.
- Bureau of Elections, Michigan Department of State **(517) 373-2540**. Questions regarding Campaign Finance, Elections, Candidate Listings, Election Results, Voter Registration, Lobbyists and Lobbyist Agents, Casino Interest Registration.